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EXAMINER

NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/482,932

Applicant(s)

PEINADO ET AL.

Examiner

CUONG H. NGUYEN

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 106-163 is/are pending in the application.
- 4a) Of the above claim(s) 116, 120, 121, 139, 143, 144 and 159-161 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 106-115, 117-119, 122-138, 140-142, 145-158, 162 and 163 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is the answer to the RCE received at USPTO on 1/30/2004.
2. Claims 106-163 are pending in this application; claims 116, 120-121, 139, 143-144, 159-161 are canceled.

Response:

3. Applicants' arguments file on 5/13/2003 with respect to claims 106-163 have been fully considered but are unpersuasive. In addition, the examiner presents new ground of rejection on 35 U.S.C. § 101 rejections.

Claim Rejections - 35 USC §101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requires of this title.

4. Independent claims 106, 129, and 152 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 106, 129, and 152 are non-statutory based on 35 USC 101 because they contain abstract idea.

A. Re. to independent claims 106, 129: These claims contain computer-per-se materials, although a DRM system is claimed. The claimed "virtual" DRM system has all "virtual" structural components wherein those components are merely computer instructions, i.e., a license store for storing, a license evaluator for determining, a state store having state information, a black box for performing encryption and decryption function .etc.; therefore, it is an abstract idea to one of

ordinary skill in the art to recreate the claimed DRM system. Furthermore, these claims lack structural relationships between physical components and a computer device.

B. Re. to claim 152: This claim contains computer-per-se materials, although a DRM system is claimed, it comprises steps of a method when that medium is executed by a computer. However, in the body of this claim, it doesn't say a computer is used to execute the coded instructions embedded in the medium.

The invention as recited in this claim is merely an abstract idea that is not within the technological arts. Mere abstract ideas that do not use the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter.

Claimed invention (claim 152 is a method claim) must be within the "technological arts" [*Bowman* (BPAI), 61 USPQ2d 1669, 6/12/2001].

Even mere recitation in the preamble or mere suggestion in the claim that a machine is performing some or all of the steps in the method is NOT ENOUGH to place claimed invention in the technological arts. The body of the claim must unambiguously recite that a machine/apparatus is performing the step(s) and/or is integrally involved in the process (i.e., a computer-implemented method) for the achieved effect (i.e., level of involvement, use).

Please note that when an invention is reduced to a practical application in the technological arts, the invention is statutory. Therefore, the claimed invention must produce a "useful, concrete and tangible result"; and the claimed

invention must utilize technology in a non-trivial manner (i.e., the claim **MUST** include a limitation in the technological arts that enables a useful, concrete, and tangible result).

The phrase “technological arts” is synonymous with the phrase “useful arts” as it appears in Article I, Section 8 of the Constitution, *In re Waldbaum*, 173 USPQ 430 (CCPA 1972). For a claim to be statutory, it must be in the technological arts. *In re Musgrave*, 167 USPQ 280 (CCPA 1970) and *In re Johnston*, 183 USPQ 172 (CCPA 1974).

5. The independent claims 106, 129, and 152 must “define the matter for which protection is sought.” And these claims must be clear and concise. As on their faces, the subject matter of these claims are “DRM managing system” but the bodies of these claims do not dig into how to manage a DRM system in order for one with skill in the art understand what the inventor is claiming.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 106-109 are rejected under 35 U.S.C. § 103(a) as being unpatentable over in view of Stefik (US Pat. 5,715,403).

A. Re. To claim 106: Stefik's patent obviously suggests a digital rights management (DRM) system operating on a computing device, the system comprising:

- a license store for storing one or more digital licenses on the computing device;
- a license evaluator for determining whether any licenses stored in the license store correspond to the requested digital content, for determining whether any such corresponding licenses are valid, for reviewing license rules in each such valid license, and for determining based on such reviewed license rules whether such license enables the requesting user to render the requested digital content in the manner sought, and
- a state store for maintaining state information corresponding to each license in the license store, the state information being created and updated by the license evaluator as necessary (see Stefik, 2:21-43).

Although Stefik does not expressly disclose exact words as claimed; it would be obvious for one with ordinary skill in the art to implement Stefik's patent to perform such specific functions, because components in this system claim must be distinguished from cited prior art in terms of structure rather than function.

B. Re. To claim 107: Stefik's patent obviously suggests a DRM system wherein the license evaluator is a secured/trusted component (i.e., only authorized person having access).

C. Re. To claim 108: Stefik's patent obviously suggests a DRM system wherein the license evaluator runs in a protected environment on the computing device such that the user is denied access to such license evaluator (i.e., only authorized person having access).

D. Re. To claim 109: Stefik's patent obviously suggests a DRM system wherein the license evaluator effectuates acquiring an enabling, valid license if no such enabling, valid license is located and if such enabling, valid license is available (see Stefik, 2:29-34, and "Since licenses are themselves digital works, the same mechanisms give the creators control over distributors by charging for licenses and putting time limits on their validity.").

F. Re. To claim 106: It is also rejected under 35 U.S.C. § 103(a) as being unpatentable over in view of Downs et al. (US Pat. 6,226,618) in view of Stefik (US Pat. 5,715,403).

Downs teaches about delivering encryption/decryption keys (see **Downs**, Fig. 1D, this teaches a step of delivering and installing (E) the black box (194) in a DRM system); and installing encryption/decryption keys in a DRM system. (Please note that Baratti et al. (US Pat. **6,574,612 – 6/03/2003**) also teach a black box system in "License management system").

Downs obviously suggests a digital rights management (DRM) system operating on a computing device, the system comprising:

- a license store for storing one or more digital licenses on the computing device (see Downs, Fig. 1D – ref. 111, Fig.5 – ref.103);
- a license evaluator for determining whether any licenses stored in the license store correspond to the requested digital content, for determining whether any such corresponding licenses are valid, for reviewing license rules in each such valid license, and for determining based on such reviewed license rules whether

such license enables the requesting user to render the requested digital content in the manner sought (see Downs, 69:40-47).

Downs does not expressly disclose a state store for maintaining state information corresponding to each license in the license store, the state information being created and updated by the license evaluator as necessary.

However, Stefik teaches a state store for maintaining state information corresponding to each license in the license store, the state information being created and updated by the license evaluator as necessary (see Stefik, 2:21-43).

It would be obvious for one with ordinary skill in the art to implement Downs with Stefik's patent to include a state store, because this clearly telling a user about a license's status; further, components in this system must be distinguished from cited prior art in terms of structure rather than function.

7. Claims 110-112 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stefik (US Pat. 5,715,403), in view of Krishnan et al. (US Pat. 6,073,124).

A. Re. To claim 110: The rationales and reference for a 35 USC 103(a) rejection of claim 109 are incorporated.

Krishnan's patent also suggests a DRM system wherein the license evaluator refers to license acquisition information attached to the digital content during effectuating acquiring an enabling, valid license, the license acquisition information including data selected from a group consisting of types of licenses available and a network site at which a license server may be accessed (see Krishnan et al., Fig. 11 and "The DCS client includes a download file, a user interface library, a purchasing library, a secured content file, a DCS security information

file, and licensing code. There is a download file for each item of merchandise that can be distributed electronically, which contains an executable boot program. The boot program is responsible for determining what components need to be downloaded for a requested item of merchandise. The secured content file contains the content that corresponds to the requested item of merchandise. The content may be a computer program, data, or a combination of both. For the purposes of this specification, "secure" or "secured" implies the use of cryptography or other types of security, including the use of hardware. One or more of the remaining components can be shared by several items of merchandise. For example, the user interface library, which defines a user interface used to purchase and license merchandise, may be specific to an item of merchandise or may be uniform for an entire online purchasing system. The purchasing library, licensing code, and DCS security information file are used to interact with the DCS server to properly license requested merchandise. In particular, the licensing code ensures that the requested merchandise is not operable by the customer until it has been properly licensed by the DCS server..."

Or "...The DCS server 302 includes a content supplier server 306, a licensing and purchasing broker (server) 307, a password generation data repository 308, and a payment processing function 309. The licensing and purchasing broker 307 includes a separate licensing library 310 (passgen.dll),

which contains the code for generating an appropriate license in response to a request from the virtual store. The licensing library 310 uses the password generation data repository 308 to generate an electronic license").

B. Re. To claim 114: The rationales and reference for a 35 USC 103(a) rejection of claim 110 are incorporated.

Stefik's patent in view of Krishnan suggests a license evaluator receives an enabling, valid license from the license server and stores the received license in the license store (see Krishnan et al., 69:40-47); further, components in this

system must be distinguished from cited prior art in terms of structure rather than function.

C. Re. To claim 111: : The rationales and reference for a 35 USC 103(a) rejection of claim 110 are incorporated.

Krishnan's patent also suggests a DRM system wherein the license evaluator exchanges information with the license server during acquisition of an enabling, valid license (see Krishnan et al., "The DCS server generates an electronic license certificate, which contains license parameters (e.g., terms) that are specific to the requested merchandise and to a desired purchasing option (such as trial use, permanent purchase, or rental). The DCS server then sends the generated electronic license certificate to the DCS client. Once a valid electronic license certificate for the requested merchandise is received by the DCS client, the merchandise is made available to the customer for use in accordance with the license parameters contained in the electronic license certificate.").

D. Re. To claim 112: : The rationales and reference for a 35 USC 103(a) rejection of claim 110 are incorporated.

Krishnan's patent also suggests a DRM system comprising a structure for performing encryption and decryption functions as part of the evaluation of any license, the black box having a first unique public / private key pair that is employed as part of the evaluation of any license, wherein the license server refuses to issue a license to the license evaluator if the black box is not current (see Krishnan et al., "Once the potential customer is satisfied, the customer can pay for and license the application program for more permanent use. If an application program is distributed using the wrapping technique to potential customers for the purpose of try and buy licensing,

then, when the application program is decrypted and stored in a temporary file, a software pirate can determine how to enable the disabled features or how to remove the license expiration data"

And "...certificate ("ELC") with licensing parameters that correspond to a particular item of merchandise. An electronic license certificate is encrypted electronic data that provides information that can be utilized to determine whether a particular customer is authorized to execute the merchandise...", and Figs. 9, 11).

E. Re. To claim 119: The rationales and reference for a 35 USC 103(a) rejection of claim 116 are incorporated.

Krishnan also teaches a DRM system wherein a box works in conjunction with the license evaluator to decrypt/encrypt information as part of the evaluation of any license (see Krishnan et al., "Once the potential customer is satisfied, the customer can pay for and license the application program for more permanent use. If an application program is distributed using the wrapping technique to potential customers for the purpose of try and buy licensing, then, when the application program is decrypted and stored in a temporary file, a software pirate can determine how to enable the disabled features or how to remove the license expiration data"

And "...certificate ("ELC") with licensing parameters that correspond to a particular item of merchandise. An electronic license certificate is encrypted electronic data that provides information that can be utilized to determine whether a particular customer is authorized to execute the merchandise...", and Figs. 9, 11).").

F. Re. To claim 123-124: The rationales and reference for a 35 USC 103(a) rejection of claim 106 are incorporated.

A DRM system wherein a license store is on a computing device. The examiner submits that Krishnan et al. suggest this feature.

It would be obvious for one with ordinary skill in the art to implement Stefik's patent, Krishnan et al.'s ideas to comprise such specific features, because cited references were in the same specific field of endeavor, and components in this system claim must be distinguished from cited prior art in terms of structure rather than function.

I. Re. To claim 126: The rationales and reference for a 35 USC 103(a) rejection of claim 106 are incorporated.

Stefik does not expressly disclose a DRM system wherein the state store is a trusted component. The examiner submits that "state store" MUST be a trusted component in this field of application; therefore, this claim's feature is quite obvious.

It would be obvious for one with ordinary skill in the art to implement Stefik's patent, and Krishnan et al.'s ideas, to comprise such specific features, because cited references were in the same specific field of endeavor, and components in this system claim must be distinguished from cited prior art in terms of structure rather than function(s).

J. Re. To claim 127: The rationales and reference for a 35 USC 103(a) rejection of claim 126 are incorporated.

Stefik teaches a DRM system wherein the state store runs in a protected environment on the computing device such that the user is denied access to such state store (e.g., DRM system that a user has no access to a state store). The examiner submits that there are modules in a computer system that only allow access to "need-to-know" people, e.g., content providers .etc.).

It would be obvious for one with ordinary skill in the art to implement **Stefik's** patent, **Krishnan et al.'s** ideas, to comprise such specific features, because cited references were in the same specific field of endeavor, and components in this system claim must be distinguished from cited prior art in terms of structure rather than function(s).

K. Re. To claim 128: The rationales and reference for a 35 USC 103(a) rejection of claim 106 are incorporated.

Stefik and Krishnan's DRM system do not expressly disclose that the state store has state information of each license (e.g., active or in-active state).

The examiner submits that artisan would appreciate that a DRM system would have a feature of storing this "state" information because this is necessary in managing in knowing any license's condition.

It would be obvious for one with ordinary skill in the art to implement Stefik's patent with Krishnan et al.'s ideas to perform such specific functions, because Stefik & Krishnan et al. were in the same specific field of endeavor, and components in this system claim must be distinguished from cited prior art in terms of structure rather than function.

8. Claims 113-115 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stefik (US Pat. 5,715,403), in view of Krishnan et al. (US Pat. 6,073,124), further in view of Ginter et al. (US Pat. 5,892,900).

A. Re. To claim 113: The rationales and reference for a 35 USC 103(a) rejection of claim 112 are incorporated.

Stefik's patent in view of Krishnan suggests a DRM system wherein the license evaluator requests a current black box from a black box server, receives the requested black box, and installs the received black box on the computing device.

They may not expressly disclose a structure that having a second unique public/private key pair different from the first unique public/private key pair.

However, Ginter et al. also suggest about a structure that having a second unique public/private key pair different from the first unique public/private key pair (see Ginter et al., claim 65: "... a secure storage area storing information at least some of which is encrypted, said information including one or more applications programs, each of said applications programs comprising one or more applications modules, and at least two encrypted applications modules, one of said encrypted applications modules having been encrypted using a first encryption key and a second of said encrypted applications modules having been encrypted using a second encryption key different from said first encryption key, and a non-secure storage area storing information;").

It would be obvious for one with ordinary skill in the art to implement Stefik's patent with Krishnan et al.'s ideas, and Ginter et al.'s disclosure to comprise such specific features, because Stefik & Krishnan et al., & Ginter et al., were in the same specific field of endeavor, and components in this system claim must be distinguished from cited prior art in terms of structure rather than function.

B. Re. To claim 114: The rationales and reference for a 35 USC 103(a) rejection of claim 110 are incorporated.

Stefik's patent also suggests a DRM system containing a license evaluator (see Stefik, 69:40-47): further, components in this system must be distinguished from cited prior art in terms of structure rather than function.

C. Re. To claim 115: The rationales and reference for a 35 USC 103(a) rejection of claim 106 are incorporated.

Stefik's patent also suggests a DRM system wherein in determining whether the license enables the requesting user to render the requested digital content in the manner sought, the license evaluator has access to data on the computing device, such data being selected from a group consisting of an identification of the computing device and/or particular aspects thereof, an identification of the user and/or particular aspects thereof, an identification of an application to be employed to render the digital content and/or particular aspects thereof; a system clock; and combinations thereof (see Stefik 2:21-43, "A system for ensuring that licenses are in place for using licensed products is described in PCT Publication WO 93/01550 to Griswold entitled "License Management System and Method." The licensed product may be any electronically published work but is most effective for use with works that are used for extended periods of time such as software programs. Griswold requires that the licensed product contain software to invoke a license check monitor at predetermined time intervals. The license check monitor generates request datagrams which identify the licensee. The request datagrams are sent to a license control system over an appropriate communication facility. The license control system then checks the datagram to determine if the datagram is from a valid licensee. The license control system then sends a reply datagram to the license check monitor indicating denial or approval of usage. The license control system will deny usage in the event that request datagrams go unanswered after a predetermined period of time (which may indicate an unauthorized attempt to use the licensed product). In this system, usage is managed at a

central location by the response datagrams. So for example if license fees have not been paid, access to the licensed product is terminated").

9. Claims 117-119, 121-128 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stefik (US Pat. 5,715,403), in view of Krishnan et al., and further in view of Ginter et al. (US Pat. 5,892,900).

A. Re. To claim 117: The rationales and reference for a 35 USC 103(a) rejection of claim 116 are incorporated.

Stefik's patent does not expressly disclose a "black-box".

However, Ginter et al. disclose about a DRM system wherein a black box is a trusted component (see Ginter et al., "A distributed, secure, "virtual black box" comprised of nodes located at every user (including VDE content container creators, other content providers, client users, and recipients of secure VDE content usage information) site. The nodes of said virtual black box normally include a secure subsystem having at least one secure hardware element (a semiconductor element or other hardware module for securely executing VDE control processes), said secure subsystems being distributed at nodes along a pathway of information storage, distribution, payment, usage, and/or auditing.").

It would be obvious for one with ordinary skill in the art to implement Stefik's patent, Krishnan et al.'s ideas, and Ginter et al.'s disclosure to comprise such specific features, because cited references were in the same specific field of endeavor, and components in this system claim must be distinguished from cited prior art in terms of structure rather than function.

B. Re. To claim 118: The rationales and reference for a 35 USC 103(a) rejection of claim 117 are incorporated.

Stefik's patent also obviously suggests a DRM system wherein a structure/"black box" runs in a protected environment on a computing device such that the user is denied access to such structure (i.e., only authorized person having access).

C. Re. To claim 121: The rationales and reference for a 35 USC 103(a) rejection of claim 116 are incorporated.

Ginter also teaches a structure/"black-box" decrypts the protected digital content when the license evaluator determines that a license in fact enables the requesting user to render the requested digital content in the manner sought (see Ginter et al., "...Traveling objects may come with a quite limited usage related budget so that a user may use, in whole or part, content (such as a computer program, game, or database) and evaluate whether to acquire a license or further license or purchase object content..."

Or "...In this example, the Video Library 3402 control information allows publishers to extract objects from the Video Library product container and content control information enabling use of each extracted object during a calendar year if the object has a license cost of \$50 or less, and is shorter than 45 minutes in duration, and 20,000 copies of each of any other extracted objects, and further requires all video objects to be VDE fingerprinted upon decryption.").

It would be obvious for one with ordinary skill in the art to implement Stefik's patent, Krishnan et al.'s ideas, and Ginter et al.'s disclosure to comprise such specific features, because cited references were in the same specific field of endeavor, and components in this system claim must be distinguished from cited prior art in terms of structure rather than function.

D. Re. To claim 122: The rationales and reference for a 35 USC 103(a) rejection of claim 121 are incorporated.

Krishnan also teaches a structure/"black box" works in conjunction with the license evaluator to decrypt/encrypt information as part of the evaluation of any license, and wherein the black box has a unique public/private key pair (PUBB, PRBB) that is employed as part of the evaluation of any license, and that is also employed to obtain a decryption key (see Krishnan et al., "Once the potential customer is satisfied, the customer can pay for and license the application program for more permanent use. If an application program is distributed using the wrapping technique to potential customers for the purpose of try and buy licensing, then, when the application program is decrypted and stored in a temporary file, a software pirate can determine how to enable the disabled features or how to remove the license expiration data"

And "...certificate ("ELC") with licensing parameters that correspond to a particular item of merchandise. An electronic license certificate is encrypted electronic data that provides information that can be utilized to determine whether a particular customer is authorized to execute the merchandise...", and see Figs. 9, 11). (Note: **Ginter** et al., also suggest claim's limitation).

It would be obvious for one with ordinary skill in the art to implement **Stefik's** patent, **Krishnan** et al.'s ideas, and **Ginter** et al.'s disclosure to comprise such specific features, because cited references were in the same specific field of endeavor, and components in this system claim must be distinguished from cited prior art in terms of structure rather than function(s).

It would be obvious for one with ordinary skill in the art to implement **Stefik's** patent, **Krishnan** et al.'s ideas, and **Ginter** et al.'s disclosure to comprise

such specific features, because cited references were in the same specific field of endeavor, and components in this system claim must be distinguished from cited prior art in terms of structure rather than function(s).

G. Re. To claim 125: The DRM system of claim 124 wherein the memory drive is selected from a group consisting of a hard disk drive, and a network drive. The examiner submits that **Krishnan** et al. suggest this feature; further more, any memory drive would have similar claimed storage capability.

It would be obvious for one with ordinary skill in the art to implement **Stefik's** patent, **Krishnan** et al.'s ideas, and **Ginter** et al.'s disclosure to comprise such specific features, because cited references were in the same specific field of endeavor, and components in this system claim must be distinguished from cited prior art in terms of structure rather than function(s).

10. Claims 129-163 are rejected on similar rationales and references:

A. Re. To claim 129, 152: This claim contains similar features as in claim **106**. Therefore, similar rationales and references set forth are applied for rejection under 35 U.S.C. § 103(a).

B. Re. To claim 130: This claim contains similar features as in claim **107**. Therefore, similar rationales and references set forth are applied for rejection under 35 U.S.C. § 103(a).

C. Re. To claim 131: This claim contains similar features as in claim **108**. Therefore, similar rationales and references set forth are applied for rejection under 35 U.S.C. § 103(a).

D. Re. To claims 132, 153: These claim contain similar features as in claim 109.

Therefore, similar rationales and references set forth are applied for rejection under 35 U.S.C. § 103(a).

E. Re. To claims 133, 154: These claims contain similar features as in claim 110.

Therefore, similar rationales and references set forth are applied for rejection under 35 U.S.C. § 103(a).

F. Re. To claim 134, 155: These claims contain similar features as in claim 111.

Therefore, similar rationales and references set forth are applied for rejection under 35 U.S.C. § 103(a).

G. Re. To claim 135, 156: These claims contain similar features as in claim 112.

Therefore, similar rationales and references set forth are applied for rejection under 35 U.S.C. § 103(a).

H. Re. To claim 136, 157: These claims contain similar features as in claim 113.

Therefore, similar rationales and references set forth are applied for rejection under 35 U.S.C. § 103(a).

I. Re. To claim 137: This claim contains similar features as in claim 114.

Therefore, similar rationales and references set forth are applied for rejection under 35 U.S.C. § 103(a).

J. Re. To claims 138, 158: These claims contain similar features as in claim 115.

Therefore, similar rationales and references set forth are applied for rejection under 35 U.S.C. § 103(a).

K. Re. To claims 139, 159: These claims contain similar features as in claim **116**.

Therefore, similar rationales and references set forth are applied for rejection under 35 U.S.C. § 103(a).

L. Re. To claim 140: This claim contains similar features as in claim **117**.

Therefore, similar rationales and references set forth are applied for rejection under 35 U.S.C. § 103(a).

M. Re. To claim 141: This claim contains similar features as in claim **118**.

Therefore, similar rationales and references set forth are applied for rejection under 35 U.S.C. § 103(a).

N. Re. To claim 142: This claim contains similar features as in claim **119**.

Therefore, similar rationales and references set forth are applied for rejection under 35 U.S.C. § 103(a).

O. Re. To claim 143, 160: These claims contain similar features as in claim **120**.

Therefore, similar rationales and references set forth are applied for rejections under 35 U.S.C. § 103(a).

P. Re. To claim 144, 161: These claims contain similar features as in claim **121**.

Therefore, similar rationales and references set forth are applied for rejections under 35 U.S.C. § 103(a).

Q. Re. To claims 145, 162: These claims contain similar features as in claim

122. Therefore, similar rationales and references set forth are applied for rejections under 35 U.S.C. § 103(a).

R. Re. To claim 146: This claim contains similar features as in claim **123**.

Therefore, similar rationales and references set forth are applied for rejection under 35 U.S.C. § 103(a).

S. Re. To claims 147: This claim contains similar features as in claim **124**.

Therefore, similar rationales and references set forth are applied for rejection under 35 U.S.C. § 103(a).

T. Re. To claim 148: This claim contains similar features as in claim **125**.

Therefore, similar rationales and references set forth are applied for rejection under 35 U.S.C. § 103(a).

U. Re. To claim 149: This claim contains similar features as in claim **126**.

Therefore, similar rationales and references set forth are applied for rejection under 35 U.S.C. § 103(a).

V. Re. To claim 150: This claim contains similar features as in claim **127**.

Therefore, similar rationales and references set forth are applied for rejection under 35 U.S.C. § 103(a).

Y. Re. To claim 151, 163: These claims contain similar features as in claim **128**.

Therefore, similar rationales and references set forth are applied for rejections under 35 U.S.C. § 103(a).

Conclusion

11. Claims **106-163** are not patentable.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose number is 703-305-4553. The examiner can normally be reached on 7am-330 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, JEFFREY A. SMITH can be reached on 703-308-3588. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Cuong H. Nguyen

CUONG H. NGUYEN
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Art Unit 3625